

Application No. 10/031,136
Amendment Under 37 CFR § 1.111
Reply to Office Action of July 14, 2004
Amendment of January 14, 2005

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CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claims 1 and 2 were rejected under 35 USC § 103(a) as being obvious over Voigt et al. ("Voigt"), U.S. Patent No. 4,898,645. In response, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. According to the Examiner, Voigt teaches recycling of residual starting material, and this technically meets the claim limitation requiring recycling of "any undesired aliphatic fluorocarbon products." Applicants respectfully disagree.

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While Voigt's residual starting material may be a *contaminant* of Voigt's desired product, Voigt's residual starting material is *not* a *product* of Voigt's reaction since it was *not produced* by Voigt's reaction, and, therefore, also cannot be an undesired product of Voigt's reaction. The instant claims require that any "undesired aliphatic fluorocarbon product" be recycled to step a). The Examiner gets around the literal wording of the claim by using pseudosynonyms of "product," namely "impurities," "undesired components," "undesired contaminants," etc. However, such use leads the Examiner improperly away from the claim language, which, again, requires recycling of any "undesired aliphatic fluorocarbon product." Voigt clearly teaches recycling "unconverted pyrolysis starting materials," which, because they are not produced by Voigt's process, one skilled in the art would clearly understand were not encompassed by the term "product." Consequently, Applicants submit that this rejection clearly is in error, and respectfully request that the Examiner reconsider and withdraw it.

Claims 1, 5 and 10 were rejected under 35 USC § 103(a) as being obvious over Difelice et al. ("Difelice"), *Combust. Sci. and Tech.*, 116-117: 5-30 (1996). In response, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. According to the Examiner, the instant claims do not actually require that any undesired aliphatic fluorocarbon products be produced, and, therefore, recycling is optional. Further, a person having ordinary skill in the art would be reasonable to presume that all of Difelice's products are desired, and, therefore, Difelice technically meets the terms of the present claims despite the fact that none of the products are recycled. Applicants respectfully disagree. The instant claims, by virtue of their

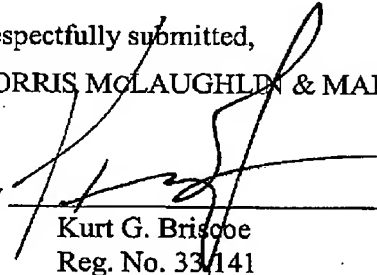
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preamble, i.e., that the method is for the production of "a *desired* aliphatic fluorocarbon product," inherently requires that a particular aliphatic fluorocarbon product be the target of the method and, thus, "desired." Defelice's method has no target, and, thus, no desired aliphatic fluorocarbon product. Consequently, Defelice fails to produce a desired aliphatic fluorocarbon product, and also fails to recycle to step a) any undesired aliphatic fluorocarbon product. Consequently, Applicants submit that this rejection clearly is in error, and respectfully request that the Examiner reconsider and withdraw it.

Applicants point out that new claim 13 should be clear of this rejection in any event since it expressly requires the production of one or more undesired aliphatic fluorocarbon products and recycling these to step a).

Early and favorable action is earnestly solicited.

Respectfully submitted,
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment and attachments (11 pages total) are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: January 14, 2005

By


Kurt G. Briscoe